

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Section 7, Rio Brazos

**Subfile Nos. CHRB-005-0003A
CHRB-005-0003B**

SUBFILE ORDER

The Court, having adopting the recommendations in the Special Master Report and granted the State of New Mexico's ("State") Motion for Judgment on the Pleadings by Memorandum Opinion and Order filed August 12, 2008 (Doc. No. 9260), now Finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, Defendants **ROBERT F. SANCHEZ** and **JOE R. SANCHEZ** ("Defendants") and the subject matter of this suit.
2. There is no just reason for delay for the entry of a final judgment as to the claims of the Defendants for irrigation water rights adjudicated by this order under Subfiles CHRB-005-0003A and CHRB-005-0003B.
3. The rights of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, for irrigation purposes under Subfiles CHRB-005-0003A and CHRB-005-0003B are set forth below:

Subfile No. CHRB-005-0003A

A. IRRIGATION (Surface Water Only)

Office of the State Engineer File No(s). 0436

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Brazos, a tributary of the Rio Chama

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: ENSENADA DITCH

LOCATION: X = 1,571,054 feet Y = 2,087,568 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	<u>44.5 acres</u>
Total	44.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHRB-005-0003A

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

Subfile No. CHRB-005-0003B

A. IRRIGATION (Surface Water Only)

Office of the State Engineer File No(s). 0436

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Brazos, a tributary of the Rio Chama

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: ENSENADA DITCH

LOCATION: X = 1,571,054 feet Y = 2,087,568 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	<u>1.0 acre</u>
Total	1.0 acre

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHRB-005-0003B

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

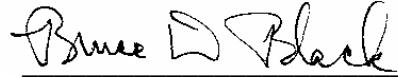
4. Defendants have no irrigation water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

5. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.

6. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

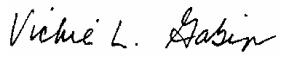
IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendants' water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for Approval:



VICKIE L. GABIN
SPECIAL MASTER

Submitted by:
STATE OF NEW MEXICO

/s/ Ed Newville
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